

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA**

|                            |   |                      |
|----------------------------|---|----------------------|
| AGCS MARINE INSURANCE CO., | ) |                      |
|                            | ) |                      |
| <i>Plaintiff,</i>          | ) | Case No. 1:22-cv-313 |
|                            | ) |                      |
| v.                         | ) | Judge Atchley        |
|                            | ) |                      |
| AT TRUCKING CORP.,         | ) | Magistrate Judge Lee |
|                            | ) |                      |
| <i>Defendant.</i>          | ) |                      |
|                            | ) |                      |
|                            | ) |                      |

**ORDER**

On December 20, 2023, United States Magistrate Judge Susan K. Lee filed a Report and Recommendation [Doc. 43] pursuant to 28 U.S.C. § 636, the Rules of this Court, and the Referral Order [Doc. 21]. Magistrate Judge Lee recommends that Plaintiff’s Motion for Default Judgment [Doc. 12] be **GRANTED**. Specifically, Magistrate Judge Lee recommends that Plaintiff be awarded against Defendant “(a) \$87,395.74, which includes damages and reasonable attorney fees; (b) post-judgment interest at the rate prescribed by 28 U.S.C. § 1961; and (c) costs allowed under 28 U.S.C. § 1920, to be determined by the Clerk upon submission of a timely, properly submitted bill of costs.” [Doc. 43 at 11–12]. No party has filed an objection to the Report and Recommendation.<sup>1</sup> The Court has nonetheless reviewed the Report and Recommendation, as well as the record, and agrees with Magistrate Judge Lee’s well-reasoned conclusions.

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<sup>1</sup> Magistrate Judge Lee advised that the parties had 14 days in which to object to the Report and Recommendation and that failure to do so would waive any right to appeal. [Doc. 43 at 11 n.5]; *see* Fed. R. Civ. P. 72(b)(2); *see also* *Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (“It does not appear that Congress intended to require district court review of a magistrate judge’s factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.”). Even accounting for the additional three days for service provided by Fed. R. Civ. P. 6(d), the period in which the parties could timely file any objections has now expired.

Accordingly, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Lee's findings of fact and conclusions of law as set forth in the Report and Recommendation [Doc. 43]. Plaintiff's Motion for Default Judgment [Doc. 12] is **GRANTED**. As set forth in the Report and Recommendation, Plaintiff is **AWARDED** against Defendant \$87,395.74, which includes damages and reasonable attorney fees, along with post-judgment interest and costs.

**SO ORDERED.**

/s/ Charles E. Atchley, Jr.

**CHARLES E. ATCHLEY, JR.**

**UNITED STATES DISTRICT JUDGE**